



# United States Department of the Interior

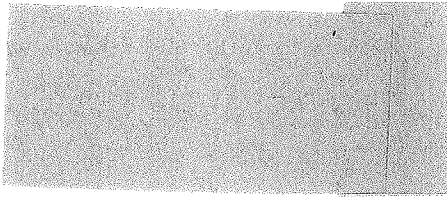
BUREAU OF LAND MANAGEMENT  
Prineville District Office  
3050 N.E. 3rd Street  
Prineville, Oregon 97754

IN REPLY REFER TO:

4160 (OR-054)  
GRN 2176

APR 08 2008

CERTIFIED MAIL – 7007 0220 0004 0305 4307  
Return Receipt Requested



## NOTICE OF THE FIELD MANAGER'S PROPOSED DECISION

### INTRODUCTION

This document addresses the issuance or renewal of your grazing lease. A proposed decision is required by the Code of Federal Regulations (CFR) 4100 to be served on any affected applicant, permittee, or lessee who is affected by the proposed actions, terms, conditions, or modifications relating to issuance of a grazing permit/lease.

### BACKGROUND

Your current grazing lease for the Two County Allotment #4145 expired on 11/30/06, the Johnson Creek Allotment grazing lease expires on 2/28/2008, and the Rudio Mountain #4086 grazing lease expires on 2/28/2016. As required by BLM grazing regulations, you have applied for renewal of these grazing leases. All three leases will be addressed at this time in order to reissue them with consistent ten year lease periods. An Interdisciplinary team completed a **Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)**, #OR-054-06-109, for the proposed renewal of these grazing leases. The DNA is available from the Prineville District upon request.

### PROPOSED DECISION

Therefore, it is my proposed decision to issue you a grazing lease, authorization #3602176, on the allotments listed below. Your grazing lease shall be for period of ten years (3/1/2008-2/28/2018) and will reflect the following:

Allotment Name and Number	Livestock		Grazing Period		% Public Land	Type Use	AUM's
	Number	Kind	Begin	End			
Two County #4145	137	Cattle	4/01	11/30	100%	Active	1099
Rudio Mountain, #4086	39	Cattle	7/01	10/15	100%	Active	137
Johnson Creek #2662	58	Cattle	4/01	11/15	100%	Active	437

Due to the computer calculation rounding, the above AUM's may not correspond with your actual grazing preference. Your actual grazing preference is shown below.

#### Two County Allotment

Total animal unit months (AUMs) are 1,105 of which 1,105 are Active and 0 are Suspended.

#### Rudio Mountain Allotment

Total animal unit months (AUMs) are 203, of which 137 are Active and 66 are Suspended.

#### Johnson Creek Allotment

Total animal unit months (AUMs) are 436, of which 436 are Active and 0 are Suspended.

Other terms and conditions of the leases will be as follows:

◆The BLM is in the process of implementing the standards for rangeland health and guidelines for grazing management. This lease is subject to further modification as necessary to achieve compliance with the standards and guidelines (43 CFR 4180).

◆Lessees are required to submit actual use grazing records within 15 days of completion of the year's grazing use.

◆Salting of livestock within one-quarter mile of water is prohibited. Supplemental feeding of livestock on public lands is prohibited without prior authorization from the BLM.

Lessees are to provide reasonable access across private land and leased lands to the BLM for the orderly management and protection of the public lands as allowed in 43 CFR 4130.3-2 (H).

◆A statement disclosing the requirement that permittees or lessees shall provide reasonable administrative access across private and leased lands to Bureau of Land Management for the orderly management and protection of public lands.

◆Lessees are required to maintain all range improvements for which they have been assigned maintenance responsibilities.

## **RATIONALE**

Based on the review of DNA #OR-054-06-109, I determined that this renewal meets the criteria for a Determination of NEPA Adequacy (DNA) and that no additional environmental analysis is required. Further more, the renewal conforms to the applicable land use plan and that the NEPA documentation fully covered the proposed action and constitutes BLM's compliance with the requirements of NEPA.

## **AUTHORITY**

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:  
<http://www.gpoaccess.gov/cfr/index.html>.

**§4130.2 (a) Grazing permits or leases**

**§4130.3-2 other terms and conditions**

**§4160.1 (a) Proposed decisions**

## **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Secs. 43 CFR 4160.1 and 4160.2, in person or in writing to Christina M. Welch, Field Manager, Central Oregon Resource Area, 3050 NE 3<sup>rd</sup> Street, Prineville, Oregon, 97754, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason (s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470, and 43 CFR 4160.3, and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U. S. Department of the Interior, Pacific Northwest Region, 500 N.E. Multnomah Street, Suite 607, Portland, OR 97232.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471 (c), a petition for a stay must show sufficient justification based on the following standards:

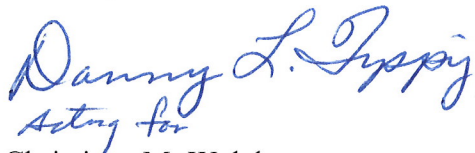
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of the immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473.

Any person named in the decision that receives a copy of a petition for a stay and/or appeal. If you wish to respond, please reference CFR 4.472 (b) for procedures to follow.

If you have any questions, feel free to contact either Mike Tietmeyer at (541) 575-3145 or myself at (541) 416-6731.

Sincerely,



Acting for  
Christiana M. Welch  
Field Manager, Central Oregon Resource Area